App F IX 4

Previous References (1941 M-L)

File No 135-41
Serial Nos. 14, 25.

Later References
Dept M-L 109/43-44

GENERAL AND REVENUE SECRETARIAT.

Serial Nos

Part B for June 42

SUBJECT

Re amendment of Rule 4 of chapter xx re persons for entertaining claims for refund

To, The President, enlightened Mysore

L 12012 / 26 6 42

desires instructions in the matter.

25 7 42

6089 (1)

General and Revenue Secretariat — ML — File No 135 of 1941 — [App F III-2

Serial No 14

From the Offg Chf Mn el, Mysore No GF-2407/41-42 D 10-4-42 - forwards for sanction of Govt a copy of the resolution of the Corp Mn el D 28 2 42 proposing an amendment to rule 4 of Chapter II of the Rules & Byelaws of the Mysore Corp Mncp, re period for entertaining claims for refund

Sanction of Govt is necessary for effecting an amendment

The Law section may perhaps be consulted.

Submitted for orders

Illegible 10/5

Illegible 11/5 — This is a case of illegal recovery. Such cases will be few & far between. It does not therefore appear necessary to amend a rule to provide for such cases and give discretionary power to the Mn Bd.

The remedy in such cases would be to claim the refund & when it is objected to in audit, sanction of Govt may be obtained as in other cases. It would not be advisable

W 0 12 130 19/5/42 LOC'L A'CIT CIRCLE

NOTE—Cont Sheet

WD 041 5—GPB—55 000—23-10 41

File No 135 | 6851/2 of 1941 | General and Revenue Secretariat

Serial No

to enlarge the period now prescribed under the rules by a month as suggested by the Comptroller may perhaps be Consulted before Mr Lawsey ? 11/5/42

SECY LAW DEPT 4196 11 MAY 1942 GOVT OF MYSORE

Hm 2 13/5/42

CEO 436 of 14 5-42

Forwarded with Mr's compliments to the Comptroller to the Govt of Mysore for favour of return with the name of the Municipality - Mr Bo

CLAD

COMPTROLLER'S OFFICE BANGALORE 130/Spl 14 MAY 1942 SPECIAL SECTION

Memorandum Lawsey Regd 13/5/42

No 671/Spl dated 1-6-43

U O No 119/CLAD

U O No 557/CLAD Dated 29th May 1942

Returned with compliments

The period prescribed as per rule 4 of chapter X of the Bye-Laws, for the refund of any sum paid to the Municipality on account of any tax other than Octroi, is ninety days after the expiry of the year to which the claim relates This period is quite enough for all ordinary cases of refund Cases in which applications has been made for refund after this prescribed period are very rare - This is the first instance

SECY LAW DEPT 4197 2 JUN 1942 GOVT OF MYSORE

(2)

6859/a

Comptroller's Office — File No 135 of 194 (

Serial No

instance for the past several years in which refund has been applied for after the prescribed period As such cases seem to occur very rarely, the proposed amendment of the Bye-Law does not seem to be necessary as stated above When such a case does arise, sanction of Government may be obtained and the amount in question refunded

H Virabhadra Urs
COMPTROLLER

AVR/28

The President, may kindly see
& will be informed in terms
of the comptroller's opinion above

Law Secy) for Rbpur
Rlputup after accts
for Rbpur

Submitted with a draft letter for approval
may perhaps be approved
Law Secy) for Rbpur
Minister L S G) 19.6
for Rbpur

OFFICE OF THE MINISTER FOR L S G & P H
Date 19.6.1942
No 7964

SECY LAW DEPT 5034 11 21342 GOVT OF MYSORE

OFF OF ... FOR L S ... Dt No

6089
L

mc File No 135 of 1941/42

Comptroller's Office

Serial No 25

Re Ode, cyf mc cl, Clyston
No L/2012 dy 26-6-42
Issues instructions in the matter

B/L 7/55

6089/L

OFFICE OF THE C Y M Co C MYO

G T No 2407/41-42 Mc 135-41-14 Dated 8th April 1942

From B S Raghavendra Rao, Esq , I A (Hons)
Mr NAVANEETHAM NAIDU, Esq., B.A., B.L.,
PRESIDENT CITY MUNICIPAL COUNCIL
MYSORE

SEOY LAW DEPT 11 APR 1942 GOVT OF MYSORE

13 APR 1942 L S G

H V Narayana Rao, Esq B A L L B
Secretary to the Government of Mysore,
Law Department,
Bangalore

Sir,

Re amendment of rule 4 of Chapter V re period for entertaining claims for refund

I have the honour to state that an instance arose where a rate payer had paid sanitary cess during the year 1939-40 in respect of a demand relating to the year 1931-32 and 32-33 which was not due as latrines of the flush type were exempted for a period of three years from 30-4-1931 as contemplated in Appendix (e) Byelaw page 240 and the demand itself being wrong The amount had to be refunded The local Auditor to whom the subject was referred for remarks gave his opinion that the refund was not admissible uner rule 4 of Chapter V of the Bye-laws as the application for refund was not made within ninety days as required therein

As the claim was valid and it was not right to have recovered a sum that was not due at all the subject as referred to the Managing Committee who referred it to the Legal Committee The Legal Committee in their Meeting held on 25th November 1941 resolved that in view of the present claim a proviso may be added to rule 4 Chapter V of the Bye-laws as "provided the time stipulated may be enlarged in fit cases by the Municipal Council" The resolution of the Legal Committee was approved by the Municipal Council in their meeting dated 28th February 1942 The copies of the Committee and Council resolution are herein enclosed

The

The rules under Chapter X of the Bye-laws are framed under Section 49 (h) of the City Municipalities Act and as such under proviso (i) of that Section approval by Government is necessary for the proposed amendment As this is only an amendment of the rule framed under Section 49 but not a bye-law objections for the proposed amendment were not called for

I request you kindly to obtain sanction of Government to the proposed amendment to enable refunds being made in such deserving cases

I have the honour to be,

Sir

Your most obedient servant,

President

MR

MYSORE CITY MUNICIPALITY

Proceedings of the Ordinary General Meeting of the Mysore City Municipal Council held in the Municipal Office on Saturday the 28th February 1942, at 4 p m

PRESENT

B S Raghavendra Rao Esq M A (Hons) *President*

2 P Staramı h Esq B A B L *Vice Pres dent*
3 S Linganna Esq
4 U L Ramachandra Rao Esq
5 M K Linganna Esq B A LL B
6 A Krishna Murty Esq
7 T Na asimha Iyengar Esq B A B L
8 A N Suryanarayan Rao Esq
9 Mrs B Kameswaramma B A
10 Agar m Rangiah Esq
11 B Narayanaswamy Esq B A B I
12 T Mariappa Esq B A LL B
13 M V Venkataramiah Esq
14 M S Nanjappa Esq
15 G R Rangaswamiah Esq
16 E P Nanjappa Esq
17 G Janardan Naidu Esq
18 Patnam Sreenivasasetty Esq
19 M R C Basappa Esq
20 T Venkataramaniah Esq
21 T S Alikhan Esq
22 Mahomed Khalilulla Esq M A LL B
23 S A Kareem Esq
24 F C Devaraja Urs Esq

ABSENT

25 Chowdiah Fsq
26 M C Mallappa Esq
27 C S Dixit Esq B A LL B
28 N Rajagopala Iyengar Esq B A B L.
29 Dr A J Ram L M & S
30 Haji Mir Amiruddin Khuraichi Esq
31 B L Maridandiah Esq

YX X ZZ

639 - Legal Committee Subject I o 11 forwarding their resolution dated 29-11-41 regarding the amendment of rule 4 Chapter X of the Bye alvs in order ti give relief to the bonafide claims for refund The Committee have resolved that a proviso may be added to rule 4 Chapter X provided the time stipul ted may be enlarged in fit cases by the Municipal Council This case has necessarily to lie over till the B e-law is amended

Resolution - APPROVED

Sd B S Raghavendra Rao,
President,
City Municipal Council
Mysore

'Extract'
B S Raghavendra B
PRESIDENT

Proceedings of the Legal Committee meeting held in the Municipal Office on Tuesday the 25th November 1941 at 4 P M

Present

Messrs T Mariappa B A , LL B , (Vice-President) Chairman

2 T Narasimha Iyengar B A B L ,

Absent

3 Mr P Sitaramiah B A B L

4 Mr M Shanmariah B A ,LL B (Municipal Advocate)

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16 Confirmation of the proceedings of the last meeting held on 31st October 1941 -

Confirmed

Deferred Subject No 11 Correspondence ending with report No R T 916 dated 3rd September 1941 from the Revenue Officer requesting that rule 4 of Chapter X of the Mysore City Municipal Rules and Bye-laws may be amended in order to give relief to the bona-fide claims for refund (subject to 67 of the Managing Committee)

A Proviso may be added to rule 4, Chapter X provided the time stipulated may be enlarged in fit cases by the Municipal Council" This case has necessarily to lie over till the bye-law is amended

xx xx xx

Sd P Sitaramiah Chairman

"Extract

By Order

President
City Municipal Council
Mysore

smr -

Appendix F G—1]

SUBJECT

Diary No of letter replied to

General and Revenue Secretariat

( )

the *19*

Date of issue 26/6/42

Signed by M. Y. Rao

List of enclosures

Copied by

Examined by

Section ml

File No 135 - 41

Serial No 25

No L 1202

To The Pdt, city mcl C, Mysore

Sir, Subject — Amendment of rule 4 of Chapter I rel Period for entertaining claims for refund

With reference to your letter No GT 2407/41-42, D 10-4-42 on the above subject, I am directed to state that the period as per rule 4 of Chapter I of the Bye-laws, for the refund of any sum paid to the Mcl on account of any tax other than octroi, is ninety days after the expiry of the

year to which the claim relates
This period is quite enough
for all ordinary cases of refund
Cases in which applications
have been made for refund
after this prescribed period would generally be
case now reported by you
~~one~~ Very rare Even the first one
~~instance~~ for the past several
years in which refund has
been applied for after the prescribed
period. As these cases
occur very rarely, the
~~proposed~~ amendment of the
as proposed to meet such instances
Bye-law ~~does not seem~~ is not
~~to be~~ necessary When such
a case does arise, sanction
of Govt may be obtained &
the amount in question refunded

Yours etc

Nov 1946

for Secy to Govt

Law Deptt

8/46